

March 9, 1984

LB 928

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, this is not a filibuster. This is one of the worst technically drafted bills or amendments that I have seen this year and it is going to take some time to get it technically cleaned up even if you believed in the philosophy of this particular amendment. The next thing I would like to direct your attention to is the paragraph that basically states that the parent has to make a couple of other presentations in addition to this affidavit and the representations are an acknowledgement by the parent that the parent or legal guardian knows that the program is not approved by the state. They have to acknowledge that. And the second thing is that they, he or she will not hold the state responsible for the education of his or her child. I take it that what that is attempting to say is that they will not sue the state because of the education that the child is getting. And what my amendment would do would be to strike that paragraph that says, "he or she will not hold the state responsible for the education of his or her child." I think that that particular paragraph, if you accept the philosophy of the bill, is clearly unnecessary because the proponents of this bill obviously believe that the education that these children are getting...will be getting, is as good or better than the education that will be acquired in the public schools. That has been stated on many occasions. If that is the fact and if that is what we believe, then why do we have to have a paragraph in here exempting the state from liability? The only basis for state liability is that the state allowed children to get an inferior education, but that is directly contrary to the whole purpose of intent of the proponents of the bill. So what I am saying is simply strike that because that is obviously unnecessary if, in fact, they are going to get as good or better an education than in the public schools. I see no intent or purpose for that particular section. I would ask the adoption of that amendment.

SPEAKER NICHOL: Senator DeCamp.

SENATOR DECAMP: Mr. President, while I tend to agree with Senator Beutler that this is technically one of the worst